

JAN 07 2005

## PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 00-624-A1)

In re Application of:

Daniel Yohannes et al.

Serial No.: 10/670,077

Filed: September 23, 2003

For: Heterocyclic Compounds as Ligands of  
the GABA<sub>A</sub> Receptor

Examiner:

Kahsay Habte

Art Unit: 1624

Confirmation No.: 6869

**INFORMATION DISCLOSURE STATEMENT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references can be found in the file of parent application serial number 09/924,174, filed August 6, 2001, now U.S. Patent 6,653,471, of which the present application is a continuation. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

**United States Patents**

1. Covey et al., United States Patent No. 5,344,826, issued September 6, 1994.
2. Albaugh et al., United States Patent No. 5,723,462, issued March 3, 1998.

*See applied only*

Foreign Documents

3. International publication No. WO 98/50384, published November 12, 1998.
4. International publication No. WO 98/50385, published November 12, 1998.
5. International publication No. WO 99/00391, published January 7, 1999.
6. International publication No. WO 99/29319, published June 17, 1999.
7. International publication No. WO 99/43681, published September 2, 1999.
8. International publication No. WO 99/43682, published September 2, 1999.

Other Documents

9. Leusink, et al., (1992), *J. Chem. Soc., Chem. Commun.*, pp. 1401-1402.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Respectfully Submitted,

Date: January 7, 2005

By:

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(Case No. 00-624-A1)RECEIVED  
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Filed: September 23, 2003 ) Art Unit: 1624 )  
For: Heterocyclic Compounds as Ligands of ) Confirmation No.: 6869 )  
the GABA<sub>A</sub> Receptor )

**FACSIMILE TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached:
  - a. Response to Office Action Mailed October 7, 2004 (32 sheets); and
  - b. Information Disclosure Statement (2 sheets); and
  - c. Form PTO-1449 (1 sheets).
2. With respect to additional fees:  
Please charge the \$180 fee to our Deposit Account No. 13-2490.
3. Please charge any additional fees or credit any overpayment to our Deposit Account No. 13-2490.
4. CERTIFICATE UNDER 37 CFR 1.8(a). The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being transmitted to the USPTO facsimile number 703/872-9306, according to 37 CFR 1.6(d) addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 7th day of January 2005.

By:

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